

LEGISLATIVE UPDATE

County Clerks' Annual
Conference
June 2013

SEA 243

- Amends IC 5-14-3-4,
- Effective upon passage
- Exception to disclosure
 - Home address, home phone, and emergency contact information for
 - Emergency management worker
 - Public safety officer
 - Emergency medical responder
 - Advanced emergency medical technician

SEA 518 and HEA 1157

- Amends IC 36-1.5-4-11
- Effective July 1, 2013
- Political subdivision reorganization
- Voters initiate by filing written petition with clerk
- Petition to include signature of petitioner, printed name, mailing address and date signed
- Transmitted to county voter registration office
- Clerk certify petition to the legislative body

HEA 1157

- Amends IC 6-1.1-20-3.6
- Effective July 1, 2013
- County auditor certifies finally approved public question to county election board
 - No later than noon 74 days before primary election
 - No later than noon Aug. 1 if to be placed on general election
- If special election to be held on the first Tuesday after first Monday in May or Nov. the county auditor certifies the finally approved public question to the county election board
 - No later than noon 74 days before May special election
 - No later than noon Aug. 1 if to be placed on Nov special election
- May withdraw a controlled project from consideration on ballot not later than 63 days before the election

HEA 1116

- New section IC 6-1.1-20-0.5 Effective July 1, 2013
- Costs used in determining whether a project is a controlled project or if controlled project which process applies
 - Does not include expenditures paid from donations or other gifts
- Amended IC 6-1.1-20-3.1 and 3.5 Effective July 1, 2013
- The cost to determine whether or not a controlled project goes through the petition and remonstrance process or the petition for a referendum process
 - Now high school does not have separate category
 - \$10,000,000

SEA 519

- Adds IC 3-14-1-17, Effective July 1, 2013
- Campaigning and public questions
- Defines government employee
 - Includes employee of political subdivision
- Defines government employer
 - Includes political subdivision
- Property
 - Equipment
 - Money
- May not be used in relation to election or public question
 - Exception as allowed under IC 6-1.1-20

HEA 1006

- Effective July 1, 2014
- Affects various statutes
- For crimes committed prior to July 1, 2014
 - A-D Felony
- For crimes committed after June 30, 2014
 - Level 1-6 Felony

HEA 1016

- IC 33-23-16-23
- Effective July 1, 2013
- Fees for problem solving court services
- Court or clerk transfer to auditor within 30 days for deposit into the user fee fund

HEA 1053 and HEA 1084

- HEA 1053 amends IC 33-37-5-23
- Effective July 1, 2013
- Sexual assault victims assistance fee
- Increased to at least \$500 and not more than \$5,000
- HEA 1084 amends IC 33-37-4-4, IC 33-37-7-2 and adds IC 33-37-5-32
- Effective Upon passage (May 10, 2013)
- \$50 Mortgage foreclosure counseling and education fee
- Expires January 1, 2015

HEA 1393

- Amends IC 33-37-5-21 and IC 33-37-7-2
- Effective July 1, 2013
- Increases automated record keeping fee from \$5 to \$7 except for
 - pretrial agreement under IC 33-39-1-8
 - deferral program agreement under IC 34-28-5-1
 - The fee remains at \$5
- Distributions remain at 100% sent semi-annually to the Auditor of State if
 - Operating under the state's automated judicial system
 - If collected as part of pretrial or deferral agreement
- Distribution semi-annually to the Auditor of State of \$5 for each \$7 if not operating under the state's automated judicial system \$2 into clerk's perpetuation fund

HEA 1124

- Amends IC 33-37-5-22
- Effective July 1, 2013
- Late fee
- \$25
- Class D infractions or Class C infractions under IC 5-16-9-5 or IC 5-16-9-8

HEA 1333

- Amends IC 33-32-2-9 and IC 36-2-7-19
- Effective July 1, 2013
- Officials training
- 40 hours of training after the individual is elected to office
- For each term
- Appointed individual to fill vacancy of clerk may take training courses
- Officials training fund is to supplement appropriations from county general fund

HEA 1482

- Repeals IC 35-38-5-5.5 Effective July 1, 2013
- Petition of a court to restrict disclosure of records related to arrest
- Adds IC 35-38-9
- Sealing and expunging conviction records
- Petition court to seal records
- No filing fee if court finds:
 - No conviction or juvenile adjudication or these were vacated on appeal or
 - No charges are pending
- Otherwise person pays filing fees required for filing a civil action
- Clerk shall distribute as in the case of a civil action
- Person may not receive waiver or reduction of fees upon showing of indigency
